

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF NEW YORK

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ALEKSANDR KOGAN, :  
Plaintiff, :  
- against - :  
FACEBOOK, INC., PAUL GREWAL, ALEX :  
STAMOS, and MARK ZUCKERBERG, :  
Defendants. :  
-----x

Case No. 19-cv-2560 (PAE)

**DEFENDANTS' NOTICE OF MOTION SEEKING SANCTIONS  
PURSUANT TO RULE 11**

PLEASE TAKE NOTICE that, upon all papers served and proceedings had herein, including the accompanying Memorandum of Law, the Declaration of Amanda M. Aycock, Counsel for Facebook, Inc., Paul Grewal, Alex Stamos, and Mark Zuckerberg (collectively, "Moving Defendants") dated November 14, 2019, and its exhibits, the instant Notice of Motion, and such other and further papers and proceedings as may be filed or had, the Moving Defendants will move this Court at a time and date to be determined by this Court, before the Honorable Paul A. Engelmayer, United States District Judge, at the Thurgood Marshall United States Courthouse, 40 Foley Square, Courtroom 1305, New York, NY 10007, for an order imposing sanctions against Plaintiff Aleksandr Kogan and his counsel, Jennifer Beckage, pursuant to Rule 11(c) of the Federal Rules of Civil Procedure, for the filing of Plaintiff's First Amended Complaint ("FAC") (Dkt. 12). Specifically, the Moving Defendants seek an order awarding sanctions, dismissing the Complaint with prejudice, awarding attorneys' fees and costs

incurred by the Moving Defendants as a result of violations of Rule 11, and granting such other and further relief as the Court deems just and proper.

The Moving Defendants bring this motion on the grounds that Plaintiff and his counsel violated Rule 11 of the Federal Rules of Civil Procedure by willfully presenting to the Court a FAC that: (i) is, in addition to containing baseless claims, obviously time-barred under C.P.L.R. 215(3) and Federal Rule of Civil Procedure Rule 4(m) and has no chance of success, in violation of Fed. R. Civ. P. 11(b)(2); and (ii) contains a frivolous and facially meritless new defamation claim in a bad faith attempt to revitalize untimely claims in violation of Fed. R. Civ. P. 11(b)(2).

Dated: New York, New York  
November 14, 2019

GIBSON, DUNN & CRUTCHER LLP

By: /s/ Orin Snyder  
Orin Snyder  
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